IN THE HIGH COURT OF UTTARANCHAL AT NAINIAL

Civil Misc. Writ Peittion No. 777 (M/B) of 2003

(1) M/s Kilkileshwar Mining Company thorugh its Proprietor Satey Singh Rana, R/o Kailash Gate, Muni-Ki-Reti, Tehri Garhwal.

(2) M/s Sushila Devi Satey Singh through Its partner Satey Singh Rana, R/o Kailash Gate Muni-ki-Reti, Tehri Garhwal.

.....Petitioners.

Versus

(1) State of Uttaranchal through Secretary, Industry, Sachivalaya Bhawan Dehradun

(2) District Magistrate, Tehri Garhwal.

.....Respondents

Hon'ble P.C.Verma,J.

Hon'ble Irshad Hussain, J.

Heard Sri B.P. Nautiyal, learned counsel for the petitioners as well as learned Standing Counsel.

The petitioners have made a prayer to issue writ of mandamus to command the respondent No. 2 to issue *Ramanna* to the petitioners and to allow the petitioners to carry on mining operation work.

The lease of the petitioners was cancelled after renewal for mining operation, against which the petitioner - M/s Satey Singh, Bachan Singh filed a writ petition bearing No. 526 (M/B) of 2001. This Court disposed of the said writ petition with the direction that the appellate authority shall decide the appeal of the petitioner by a speaking order. The appellate authority has allowed the appeal of the petitioners on 03.06.2003 and remanded the matter to the Collector/competent authority to re-consider the matter in the light of the direction given by this Court in the judgment dated

28.03.2001 in Writ Petition No.526(M/B)of 2001, contained in Annexure No.7 to the writ petition. The order of the appeal is also contained as Annexure No. 10 to the writ petition.

Since the Collector has yet to take decision in compliance of the order passed by the appellate court i.e. Commissioner, therefore the relief prayd for cannot be granted to the petitioners. However, it is provided that the Collector shall take a decision in the matter as directed by the appellate authority within a period of ten days from the date of production of certified copy of this order.

With the aforesaid observations, the writ petition is disposed of finally.

(Irshad Hussain,J.) **(P.C.Verma,J.)**

09.10.2003
P.Singh